

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

KEVIN WILTSHIRE,
Defendant.
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ORDER

S2 14 CR 768-8 (VB)

20 CV 630 (VB)

By letter dated June 8, 2021, the government has advised the Court that (i) in light of the Supreme Court's decision in United States v. Davis, 139 S. Ct. 2319 (2019), the government will not oppose defendant Kevin Wiltshire's pending motion pursuant to 28 U.S.C. § 2255 to vacate his conviction on Count Two, which charges a violation of 18 U.S.C. § 924(c), and (ii) the government will consent to the vacatur of defendant's conviction on Court Two at the time of defendant's resentencing on Counts One and Four. Accordingly, the Court will schedule a resentencing hearing, at which defendant's conviction on Count Two will be vacated, the sentence on all counts will be vacated, and defendant will be resentenced on Counts One and Four only.

Accordingly, resentencing in this case is scheduled for **September 1, 2021, at 11:00 a.m.**, to be held in person at the Courthouse in White Plains. Defendant's sentencing submission shall be submitted by **August 18, 2021**. The government's sentencing submission shall be submitted by **August 25, 2021**.

In light of the foregoing, the Probation Department is directed to prepare a supplemental presentence investigation report as promptly as possible.

Dated: June 8, 2021
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge